
OLR Bill Analysis

SB 825

AN ACT CONCERNING PROFESSIONAL BONDSMEN, SURETY BAIL BOND AGENTS AND BAIL ENFORCEMENT AGENTS.

SUMMARY:

This bill makes changes in the laws governing professional bondsmen, bail enforcement agents, and surety bail bond agents. It:

1. requires professional bondsmen and bail enforcement agents to be at least age 21 and have a high school diploma or equivalent education;
2. allows the Department of Emergency Services and Public Protection (DESPP) commissioner to suspend or revoke the license of an agent or bondsman subject to a restraining or protective order for using or attempting or threatening to use force against someone;
3. requires annual firearms refresher training for professional bondsmen, bail bond agents, and bail enforcement agents issued a DESPP special firearms permit to carry firearms on the job; and
4. requires (a) DESPP to approve bail enforcement agent badges and (b) an agent to surrender the badge if his or her license is revoked, suspended, or not renewed.

The bill requires DESPP to approve anyone who teaches a criminal justice course for bail enforcement agents or firearms safety course for professional bondsmen, bail enforcement agents, or surety bail bond agents. It costs \$50 to get or renew the approval, which is valid for two years. Teaching without the approval is a violation subject to a \$75 fine per day.

Finally, the bill makes technical changes.

EFFECTIVE DATE: October 1, 2013

AGE AND EDUCATION LICENSURE STANDARDS

By law, professional bondsmen and bail enforcement agents must be licensed by DESPP. The bill adds age and education qualifications to the licensure requirements. It requires applicants to (1) be at least age 21 and have a high school diploma or equivalent education and (2) submit proof of such when they apply for a license.

LICENSE SUSPENSION AND REVOCATION

The bill expands the grounds for license suspension and revocation. It allows the commissioner to suspend or revoke the license of a professional bondsman or bail enforcement agent if the licensee is subject to a restraining or protective order for using or attempting or threatening to use physical force against someone.

Under current law, the commissioner may revoke or suspend the license of a professional bondsman (1) who was convicted of a felony, (2) who engaged in any unlawful activity affecting his or her fitness to stay in business, or (3) whose financial responsibility has been substantially impaired.

Under current law, he may revoke, suspend, or refuse to renew the license of a bail enforcement agent who:

1. violated the laws or regulations governing bail enforcement agents;
2. practiced fraud, deceit, or misrepresentation;
3. made a material misstatement in a license or renewal application;
4. demonstrated incompetence or untrustworthiness in conducting business;
5. has been convicted of a felony, specified misdemeanors, or other crime affecting his or her honesty, integrity, or moral fitness; or

6. is unsuitable.

By law, the suspension, revocation, or refusal to renew a bail enforcement agent's license constitutes grounds for the revocation of the person's special permit to carry firearms on, or going to or from, his or her job.

BADGE DISPLAY

The bill prohibits an individual, without DESPP approval, from wearing, carrying, or displaying a badge purporting that he or she is a bail enforcement agent or that he or she performs the duties of such an agent. If the commissioner suspends, revokes, or refuses to renew the individual's license, the agent must surrender the badge when surrendering the license. A violation is an infraction.

FIREARM PROVISION

By law, professional bondsmen, bail bond agents, and bail enforcement agents must obtain a special DESPP permit if they wish to carry firearms on, or while travelling to or from, the job. This is in addition to the gun permit required to carry handguns in the state. The bill conforms the law to current practice by specifying that DESPP cannot issue the special permit before it has issued the state permit.

By law, the special permit (as is the standard gun permit) is valid for five years. The bill requires the licensee to complete an annual firearms safety refresher course approved by the commissioner as a condition of renewing the special permit.

CRIMINAL JUSTICE INSTRUCTORS

Application for Approval as Instructor

By law, (1) bail enforcement agents must successfully complete a criminal justice course of at least 20 hours in the five years before they are licensed and (2) bail bondsmen, bail enforcement agents, and surety bail bond agents carrying firearms on the job must complete training in firearm safety and get the special DESPP gun permit. Both courses must be approved by the DESPP commissioner.

Beginning October 1, 2013, the bill requires the commissioner to also approve course instructors. For a course approved by the commissioner on or before October 1, 2013, the bill gives the instructor until April 1, 2014 to apply for approval as an instructor.

The penalty for teaching without the commissioner's approval is a \$75 fine for each offense. Each violation is a separate offense, as is each day of a continuing violation.

Anyone seeking approval as an instructor must complete, under oath, a DESPP application. The application must include:

1. his or her name, address, birth date and birth place; employment during the five years preceding the application; and education or training in criminal justice or firearms safety and use, as applicable;
2. information on any convictions; and
3. any other information the commissioner may require by regulation to properly investigate the applicant's character, competence, and integrity.

The commissioner may approve applicants he deems suitable and who meet the bill's requirements. The approval is valid for up to two years and costs the applicant \$50. He may not approve anyone (1) who has been denied a license as a professional bondsman, surety bail bond agent, or bail enforcement agent; (2) whose license has ever been revoked or suspended; or (3) who has ever been convicted of a felony or any of the following misdemeanors:

1. criminally negligent homicide (excluding deaths caused by motor vehicles);
2. 3rd degree assault;
3. 3rd degree assault of a blind, elderly, disabled, pregnant, or mentally retarded person;

4. 2nd degree threatening;
5. 1st degree reckless endangerment;
6. 2nd degree unlawful restraint;
7. 2nd degree failure to appear;
8. 1st or 2nd degree riot;
9. inciting to riot;
10. 2nd degree stalking; or
11. a first offense involving possession of one-half ounce or more but less than four ounces of an illegal drug.

Suspension of Instructor Approval

The commissioner may suspend, revoke, or deny an approval, after notice and hearing opportunity, if the person:

1. violated the bill's specified laws or regulations governing course instructors;
2. practiced fraud, deceit, or misrepresentation;
3. made a material misstatement in the application for issuance or renewal of the approval;
4. was incompetent or untrustworthy in teaching his or her courses;
5. has been convicted of any (a) felony, (b) misdemeanor crime that would have made him or her ineligible for approval, or (c) other crime affecting his or her honesty, integrity, or moral fitness; or
6. is otherwise unsuitable.

Aggrieved parties may appeal the commissioner's order to the Hartford Superior Court.

Renewal of Approvals

Requests for approval must be made on a DESPP form and include any information DESPP requires to determine an applicant's suitability to continue as an instructor. The renewal fee is \$50.

Address Changes

The bill requires an instructor who changes his or her address to inform DESPP of the new and former addresses within two business days after the change.

Implementing Regulations

The bill allows the commissioner to adopt regulations implementing the laws governing criminal justice instructors.

By law, he must already adopt regulations for the approval of schools, institutions and organizations, including course content, number of hours, and requirements for instructors for firearm safety and use training courses.

COMMITTEE ACTION

Public Safety and Security Committee

Joint Favorable

Yea 24 Nay 0 (02/28/2013)